

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JPMORGAN BANK, N.A.,

Plaintiff,

v.

DAVID RENFRO,

Defendant.

Case No. [15-cv-05744-BLF](#)

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF
MAGISTRATE JUDGE AND
REMANDING ACTION TO THE
SANTA CRUZ COUNTY SUPERIOR
COURT**

The Court has reviewed the Report and Recommendation of Magistrate Judge Paul S. Grewal remanding *sua sponte* this unlawful detainer action and denying Defendant's motion to proceed in forma pauperis. See ECF 6. No objections to the Report and Recommendation have been filed and the deadline to object has elapsed. *See* Fed. R. Civ. P. 72(b)(2) (deadline for objections is fourteen days after being served with report and recommendation); Certificate of Service, ECF 6-1 (Defendant served with R&R by mail on December 29, 2015).


The Court finds the Report correct, well-reasoned and thorough, and adopts it in every respect. Accordingly, the Court DENIES Mr. Alejandro Alianz's motion to proceed in forma pauperis and the above-titled unlawful detainer action is REMANDED to the Santa Cruz County Superior Court. The Court TERMINATES AS MOOT JPMorgan Bank N.A.'s motion to remand, ECF 4, and motion to shorten time on the motion to remand, ECF 5.

Finally, the Court notes that this is the third time this unlawful detainer action has been removed from Santa Cruz Superior Court. *See* Docket No. 5 at 2; *JPMorgan Chase Bank National Association v. Renfro*, Case No. 5:15-cv-01730-BLF at Docket No. 1 (N.D. Cal. Apr. 16, 2015) ("*Renfro I*"); *JPMorganChase v. Renfro*, Case No. 5:15-cv-02705-BLF at Docket No. 1

(N.D. Cal. June 17, 2015) (“*Renfro II*”). After the Court warned Mr. David Renfro that further attempts to remove this action could result in sanctions, *see Renfro II* at 2, Mr. Renfro’s tenant, Mr. Alianz, appeared in the state court action and removed the action. The Court notes for the record that Mr. Alianz is utilizing the same address as Mr. Renfro’s attorney of record, Donald Schwartz. The Court advises Mr. Alianz that any further attempts to remove this action may result in sanctions. Furthermore, if there are further attempts to remove this action by anyone without an objectively reasonable basis, the Court may order all parties and their attorneys of records to appear in Court to explain why sanctions should not be awarded. The Court also reminds all counsel of their duty and responsibility to abide by the Standards of Professional Conduct contained in the Civil Local Rules. *See* Civil L.R. 11-4.

IT IS SO ORDERED.

Dated: January 13, 2016


BETH LABSON FREEMAN
United States District Judge